



Lamoine Board of Selectmen

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Minutes of September 20, 2012

Chair Jo Cooper called the meeting to order at 7:08 PM immediately following a special town meeting.

Present were: Selectmen Gary McFarland, Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Fire Chief George "Skip" Smith, Code Enforcement Officer Michael Jordan, Planning Board Chair John Holt and Enid Neleski.

Agenda Review – There was no change to the printed agenda or addendum.

Minutes of September 6, 2012 – Cynthia noted a few changes to pages 3 and 5 for clarification. Gary moved to approve the minutes with the corrections. Richard 2nd.
Vote in favor was 4-0.

Expenditure Warrant 6 – Selectmen signed the warrant in the amount of \$207,511.88. Stu noted that \$172,000 was for RSU 24, and that the semi-annual payroll is included on the warrant.

Cash & Budget Report – Jo asked about the revenue from the cell tower lease. Stu says the payment comes in at the end of the month, so it will show a less than expected amount until then.

Budget Committee Appointment – Stu noted that he inadvertently omitted Kathleen DeFusco from the reappointment list a few months ago. Jo moved to reappoint Mrs. DeFusco to the Budget Committee. Gary 2nd. **Vote in favor was 4-0.**

Deputy Code Enforcement Officer – Jo asked where things stood. Stu said the item was tabled last meeting and prepared updated job descriptions and a proposed contract clarifying the limitations of proposed candidate Steve Salsbury. Cynthia said she had no bone to pick with Mr. Salsbury, but said her problem was with the process. She said it appeared the cart was put before the horse. She said her concern is that a job description should not be written to conform to the person performing the job.

Michael Jordan said he disagreed that the process was backward. He said he believes he has a conflict upcoming because of his involvement with Habitat for Humanity which will seek a building permit shortly. Cynthia said she thinks there was more conversation with town staff with the parties involved that there was with the Selectmen. She said she is persnickety about the conflict of interest thing. Stu said he tried to keep the Selectmen in the loop by e-mailing the proposed changes in the job description and proposed contractual agreement with Mr. Salsbury, but there was no feedback.

Jo said she's concerned to make sure there is no perception of a conflict of interest. She asked if there was no one else available. Stu said the choices are pretty limited. Richard asked if this was just for the Habitat house issue. Mr. Jordan said yes – but he might have a house to build next summer, too. Gary asked if the Habitat house would

have more than one set of eyes on it, and if it needs a final sign off from the CEO. He asked if there was a conflict with the Habitat House, could the Planning Board assist. Mr. Jordan said no.

Richard said Planning Board chair John Holt made it clear that if the Habitat House was the sole issue, they could work around that. Mr. Holt said that in terms of public perception they were on top of what the CEO was doing, and there was nothing of concern from the board's perspective. Richard said he doesn't have any discomfort on a perceived conflict with Mr. Jordan. He said in this case it seems too bad to fill a position for just one instance. Gary said there are not a lot of Habitat houses being built, and he doesn't see a conflict of interest in this case.

Mr. Holt said if there were times Mr. Jordan had to be away for some reason, to have a deputy with such a limited job description would not be of much service to the town. He said those limitations would not likely be necessary with another person as a deputy CEO. Richard said the proposed Deputy CEO job description lines out the various lines that were there and simply states that the Deputy would perform the CEO job description as directed by the CEO. He said he didn't think the job description is limited. Mr. Holt said there are some things that are ruled out. Jo said it appears Mr. Holt is confusing the job description with the proposed contract. Mr. Holt said Mr. Salsbury is likely to be appearing before the Planning Board for the next six months. He said the Deputy CEO job has not been advertised.

Jo said it sounded like others on the Board of Selectmen are comfortable there is not a conflict with Mr. Jordan processing the Habitat for Humanity house. Mr. Holt said filling the position seems a little premature. Jo said the issue was pretty simple, and it was a minor need with Mr. Jordan's involvement with Habitat for Humanity. Mr. Jordan said he's a construction manager for the Habitat House. Cynthia said the concern was that someone appropriate has to inspect the project and sign off on it. Mr. Jordan said the CEO has to issue the permits and perform several inspections. Cynthia said it's a relatively small job, and relatively limited. She asked why the town couldn't contract with someone to just do the house. Mr. Jordan said that's what is being proposed. Stu said the person has to have the authority from the Board of Selectmen. (A discussion of the job scope and the people available followed).

Jo said the discomfort seems to be signing an agreement and asked if the Selectmen need to do this. Richard said it's not known when Mr. Jordan might need a substitute. He said he's comfortable with Mr. Jordan's ability to inspect the Habitat House. A discussion followed on the limitation of the job scope, the role of the CEO and Deputy with the Planning Board, and absences of the CEO.

Richard said it's his preference not to fill the Deputy CEO position and made a motion to keep the position vacant. Gary 2nd. **Vote in favor was 4-0.**

Job Descriptions – CEO/Deputy CEO – Jo moved to approve the proposed amendments to the Code Enforcement Officer and Deputy Code Enforcement Officer job descriptions. Richard 2nd. **Vote in favor was 4-0.**

Excise Tax Exemption for Active Duty Military - Selectmen signed the ordinance approved earlier at the Special Town Meeting exempting active duty military personnel from excise tax.

Contract Amendment – Jennifer Kovacs – Jo moved to sign an amended contract with Jennifer Kovacs, based on the outcome of the earlier special town meeting. Gary 2nd. **Vote in favor was 4-0.**

Municipal Review Committee Nominee – Selectmen did not have anyone they wished to nominate to the MRC. Stu noted that the Town of Mt. Desert's public works director Tony Smith would be nominated and has asked for support.

Annual Town Meeting Date – Stu said the usual time in March would set the meeting dates on March 12th and 13th. He said he checked, and neither day is a holiday that he is aware of. Cynthia moved to set those dates for the municipal election and open town meeting. Gary 2nd. **Vote in favor was 4-0.**

RSU Withdrawal Update – Gary said it's clear the issue will not be on the November 6, 2012 ballot. He said the withdrawal committee will likely ask the Commissioner of Education for an extension to come up with a withdrawal agreement. He said the 90-day window expires on October 10, 2012. He said if the committee applies, it can continue on with the withdrawal process. He said the commissioner has granted extension requests in the past.

Gary noted the RSU has changed negotiation procedures and explained how things appear to be working. He said the RSU is no longer taking issues item by item. Richard asked how long an extension would be. Gary said he didn't know, but he said the issue could take a year to a year and a half. He said he hopes it's quicker. He said the wording on the withdrawal agreement is on course with the RSU, and there are not a lot of areas of disagreement.

Gary said a contract with a high school to guarantee students acceptance is a stickler. He said that's required by the state, and because the City of Ellsworth is still in the RSU, it cannot make an agreement to take students from Lamoine because Ellsworth High School still belongs to the RSU, and the City of Ellsworth does not have a school board. A discussion followed on the wording of secondary school acceptance.

Richard asked if MDI High School's cost is higher than that previously charged by Ellsworth. A discussion followed about unknown costs. Richard asked if it was fair to say that Lamoine is looking at higher costs if it pulls out of the RSU. Gary said that is fair and it's clear that Lamoine cannot go it alone. He said the withdrawal committee is still getting figures from the RSU. He said they still don't know how much it would cost to run the school if the town were to pull out of the RSU. He said there are contracted obligations that could be double expenses. A discussion followed.

Richard asked if the withdrawal committee is obligated to pursue an agreement if it's clear it's not in the best interest of the town. Jo said she didn't think the committee can abandon the effort – something has to be put before the voters. Richard suggested that if the committee feels withdrawal is not in the best interest of the town, it could let it die gracefully. Gary said he hopes findings would be brought before the town, including the cost of withdrawal. Jo said as a voter she would want the opportunity to have a say on it. Gary agreed that the town should have the opportunity to make a decision.

Cynthia said the negotiations are confusing, and the committee has to talk with the RSU to determine the actual costs. Gary said that information is very slow to come from the RSU. He said the committee is trying to meet with the RSU in early October and work up a budget based on no RSU participation.

Richard asked what the payment would be for debt service. Gary said there is \$230,000 owed, along with staggered contracts for various items such as teachers and the superintendent of schools. He said the town could not get out of those contracts. Richard asked if an extension could coincide with the end of the various contractual obligations. Gary said they should know more when they draw up a proposed budget.

MUBEC – There were no new developments on the MUBEC/BLUO issue.

Temporary Town Clerk – Stu reported that he had a candidate in mind who is willing to fill in for 2-to-3 months and he had e-mailed the Selectmen the name prior to the meeting. Jo said it's a good choice and authorized Stu to negotiate with the candidate and present her name to the next meeting. Richard 2nd. **Vote in favor was unanimous.**

45-MPH Sign Request – Stu said the request came via e-mail sent to the Maine DOT which was forwarded to the town. He said there is a sign on the Jordan River Road end of Buttermilk Road, two advisory signs about halfway up the road, but no sign on the Ellsworth end. Jo moved to have a 45-MPH sign installed. Gary 2nd. **Vote in favor was 4-0.**

John Holt noted that the fire station ahead sign that used to be near his home has been missing for a while. Stu said he could call the MDOT to find out if it could be replaced.

Entrance Line to Transfer Station – Stu reported that transfer station manager Bill Fennelly said that trees have started to rub against the power lines leading into the facility. He suggested Huebner's Tree Service could trim that out pretty quickly. Selectmen had no objection to having the work done.

Elections – Stu reported that he and Jennifer would be attending classes on October 10th and 11th in Augusta as extra classes were added by the Secretary of State and the town clerk's association. He also reported the town is likely to be receiving a vote tabulation machine. He said he had a long and pleasant conversation with the Deputy Secretary of State following the letter sent by the Selectmen at their last meeting.

Investment Management Report – Stu reported the report is posted on the website and also available for review in written form if the Selectmen wished.

Vault Shelving Project – Stu reported that a gentleman from a shelving company was in yesterday to look over the vault. He said a proposal will likely be coming soon. He said the company installed mobile shelves in the City of Ellsworth vault and he was impressed by the system.

Other Matters – Stu reported that a member of the Frenchman Bay Conservancy will likely be present at the October 4th meeting.

Cynthia asked about the CTV Operations Manager position. Stu said he'd been in contact with Ben Speed at the Hancock County Technical Center who said there might be some student interested.

Richard reported the Town of Sorrento has adopted the changes to the shellfish ordinance which gives a majority of towns approving the changes. He said the amended ordinance can now go to the Department of Marine Resources for final approval.

Executive Session – Jo moved to enter executive session pursuant to 1 MRSA §405(6)(a) for the purposes of discussion a personnel matter (Code Enforcement Officer). Cynthia 2nd. **Vote in favor was 4-0 at 8:17 PM. Out at 8:27 PM whereupon the meeting adjourned.**

Respectfully submitted,

Stu Marckoon, Administrative Assistant to the Selectmen